

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

KEURIG, INCORPORATED,

Plaintiff,

v.

KRAFT FOODS GLOBAL, INC.,
TASSIMO CORPORATION, and
KRAFT FOODS INC.,

Defendants.

Civil Action No. 07-017-GMS

**STIPULATION AND PROPOSED ORDER FOR
LIMITED EXTENSION OF *IN LIMINE* BRIEFING SCHEDULE**

Pursuant to the Court's scheduling order dated July 17, 2007 (D.I. 34), fact discovery in this case closed on April 1, 2008. Pursuant to the Court's order dated July 17, 2007 (D.I. 34), expert discovery was likewise set to close on April 1, 2008. Due to scheduling challenges with the parties' various experts, the parties agreed to permit expert depositions to occur after the April 1, 2008 expert discovery cutoff. The parties are approximately halfway through expert depositions and have set mutually agreeable dates for the remaining expert depositions.

Expert depositions will be completed by mid-July, with sufficient time remaining to address any evidentiary issues that may arise from such depositions via motions *in limine* under the Court's scheduling order – with the exception of Defendants' damages expert James Malackowski. Due to scheduling difficulties in June and July, Mr. Malackowski requested that his deposition be postponed to August 5. Plaintiff has agreed to accommodate this request subject to the Court's endorsement of the parties' stipulation to a four-day extension of the

August 25 motion *in limine* deadline (see D.I. 34), to and including August 29, solely for a motion *in limine* related to Mr. Malackowski's testimony should Plaintiff elect to file one.

This extension will allow the parties sufficient time to prepare and file opening, opposition and reply briefs on such a motion if applicable. No other motions *in limine*, and no other deadlines, will be affected by this request.

IT IS STIPULATED AND AGREED by the parties, and subject to the approval of the Court, that Plaintiff may file a motion *in limine* related to Mr. Malackowski's testimony on or before August 15, 2008, opposition to such a motion on August 22, 2008, and a reply on August 29, 2008. With respect to all issues other than Mr. Malckowski's testimony, the parties will file their motions *in limine* on August 4, oppositions to such motions on August 15, and replies on August 25 (the Court-ordered deadline, see D.I. 34).



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ORDER

IT IS SO ORDERED this _____ day of July, 2008.

United States District Court Judge